

## AMENDMENTS TO THE DRAWINGS

In response to the requirement for new drawings, replacement sheets 1-7 including Figures 1-7, respectively, are attached. These formal drawings also correct an error in Figure 1 wherein an incorrect reference number 24 was used inside data gateway 18. The correct reference number 25 has been substitute as shown on the attached annotated sheet.

## REMARKS

### **I. Introduction**

The Office Action mailed March 9, 2007, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claim 25 has been canceled. Claims 1-24 and 26-32 are pending in the application.

### **II. Denial of Priority Claim**

As shown by the inventors' declaration and the application transmittal letter and as already recorded by the USPTO, the present application is a continuation-in-part of USSN 09/708,836. Page 2 of the specification was misleading in that it appeared to present some other priority claim. The specification has been amended to clarify that the application is a CIP.

### **III. Objection to the Drawings**

The informal drawings were objected to for containing improper shading and handwritten text. Formal drawings are submitted herewith. In addition, it is proposed to correct the reference numeral for memory 25 in gateway 18 of Figure 1.

### **IV. Rejection of Claims 10 and 28 under 35 USC 112**

Claims 10 and 28 were rejected as being indefinite for use of the term "periodically". Although applicant disagrees that the term is indefinite, it has been removed from each claim since it is not a necessary part of the polling which is recited in each claim. Since the alleged indefiniteness has been removed, claims 10 and 28 are allowable under 35 USC 112.

### **V. Rejection of Claims 1, 2, and 4-11 under 35 USC 102(b)**

Claims 1, 2, and 4-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lesley. Applicant respectfully traverses this rejection in light of the following arguments.

Claim 1, as amended, recites a method for providing prepaid data service to a subscriber terminal in a communications network. The communications network is coupled by a gateway to a data network. The method makes a determination of whether a balance of a prepaid account of a corresponding subscriber for the data service meets a threshold. If the determination is that the balance of the prepaid account does not meet the threshold, then traffic is passed to a requested destination in the data network. If the determination is that the balance of the prepaid account meets the threshold, then the traffic is redirected to a self-service portal, and value is added to the balance of the prepaid account at the self-service portal using the subscriber terminal. Thus, the claimed invention achieves the advantages of making data services from a data network available to a subscriber of a communications network on a prepaid basis while allowing the subscriber to fund their prepaid account without assistance.

Lesley fails to disclose many of the important features of the claimed invention. Lesley is directed to providing prepaid services within the telecommunications network itself (e.g., long distance voice calls, see page 3, lines 10-27). The prepaid services include communication processes conducted between two or more telecommunications devices that involve a telecommunications network (page 8, lines 8-12). Although Lesley does show a personal computer coupled to the telecommunications network via the Internet, this connection is for allowing a subscriber to add money to their prepaid account rather than accessing a data service which directs traffic to a destination in the data network as is required in claim 1. Thus, Lesley fails to disclose the passing of traffic related to the data service as is claimed.

Since Lesley fails to disclose a data service according to the specific limitations of claim 1, it likewise fails to teach a determination of whether a balance of a prepaid account of a corresponding subscriber for a data service meets a threshold. Moreover, it necessarily fails to teach redirecting traffic to a self-service portal (i.e., since Lesley does not teach traffic directed to a destination in a data network for obtaining a data service, it cannot redirect any such traffic). Therefore, claims 1, 2,

and 4-10 are allowable over Lesley.

Claim 11 recites essentially the same limitations are discussed above. Therefore, claim 11 is likewise allowable over Lesley.

## **VI. Rejection of Claim 12 under 35 USC 102(b)**

Claim 12 stands rejected under 35 U.S.C. §102(b) as being anticipated by Taskett. Applicant respectfully traverses this rejection in light of the following arguments.

Claim 12, as amended, is similar to claim 1 and further recites first and second prepaid data services. A first determination is made whether a balance of a prepaid account of a corresponding subscriber for the first and second data services meets a first threshold determined in response to the first data service. If the balance of the prepaid account does not meet the first threshold for the first data service, then traffic is passed to a first requested destination in the data network corresponding to the first data service. A second determination is made whether the balance of the prepaid account does not meet a second threshold determined in response to the second data service. If the balance of the prepaid account does not meet the second threshold for the second data service, then the traffic is redirected to a self-service portal. Thus, the claimed invention can provide multiple prepaid data services simultaneously (see pages 23-25 of the specification).

Taskett provides for user replenishment of funds in a prepaid account, but there is no teaching of data services or a data network coupled to the communications network by a gateway. Without these elements, there is no possible teaching in Taskett of monitoring account balance thresholds separately for two different data services. Therefore, Taskett fails to anticipate claim 12.

## **VII. Rejection of Claim 3 under 35 USC 103(a)**

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lesley in view of Berry. Applicant respectfully traverses this rejection in light of the following arguments.

Berry relates to access within a data network. Not only does it fail to disclose or suggest a telecommunications network or a gateway thereto, it also fails to suggest a gateway to any other network or to the prepayment of services within a communications network and the use thereof to access a data service from a data network. Therefore, the combination of Berry and Lesley fails to produce the claimed method.

**VIII. Rejection of Claims 13-16, 18-21, 23, 24, and 26-30 under 35 USC 103(a)**

Claims 13-16, 18-21, 23, 24, and 26-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lesley in view of Moore. Applicant respectfully traverses this rejection in light of the following arguments.

As described above in connection with claim 1, Lesley lacks the separate communications and data networks which are also recited in claims 13 and 30. The website system of Moore fails to strengthen the rejection since it likewise fails to teach or suggest a gateway between a communications network and a data network together with prepaid access within the communications network to the data network. The combination of Moore and Lesley further fails to suggest the automatic redirection to a self-service portal. Therefore, claims 13 and 30 are allowable over the cited references.

**IX. Rejection of Claim 17 under 35 USC 103(a)**

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lesley and Moore in view of Berry. Applicant respectfully traverses this rejection in light of the following arguments.

Claim 17 is allowable as depending from an allowable base claim.

**X. Rejection of Claim 22 under 35 USC 103(a)**

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lesley and Moore in view of Taskett. Applicant respectfully traverses this

rejection in light of the following arguments.

Claim 22 is allowable as depending from an allowable base claim.

**XI. Rejection of Claim 31 under 35 USC 103(a)**

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lesley in view of Taskett. Applicant respectfully traverses this rejection in light of the following arguments.

Claim 31 recites a system which performs a method as recited in claim 12. Thus, claim 31 is allowable for the reasons discussed above regarding claim 12.

**VIII. Rejection of Claim 32 under 35 USC 103(a)**

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lesley and Taskett in view of Moore. Applicant respectfully traverses this rejection in light of the following arguments.

Claim 32 is allowable as depending from an allowable base claim.

**VIII. Conclusion**

In view of the foregoing amendment and remarks, claims 1-24 and 26-32 are now in condition for allowance. Favorable action is respectfully solicited.

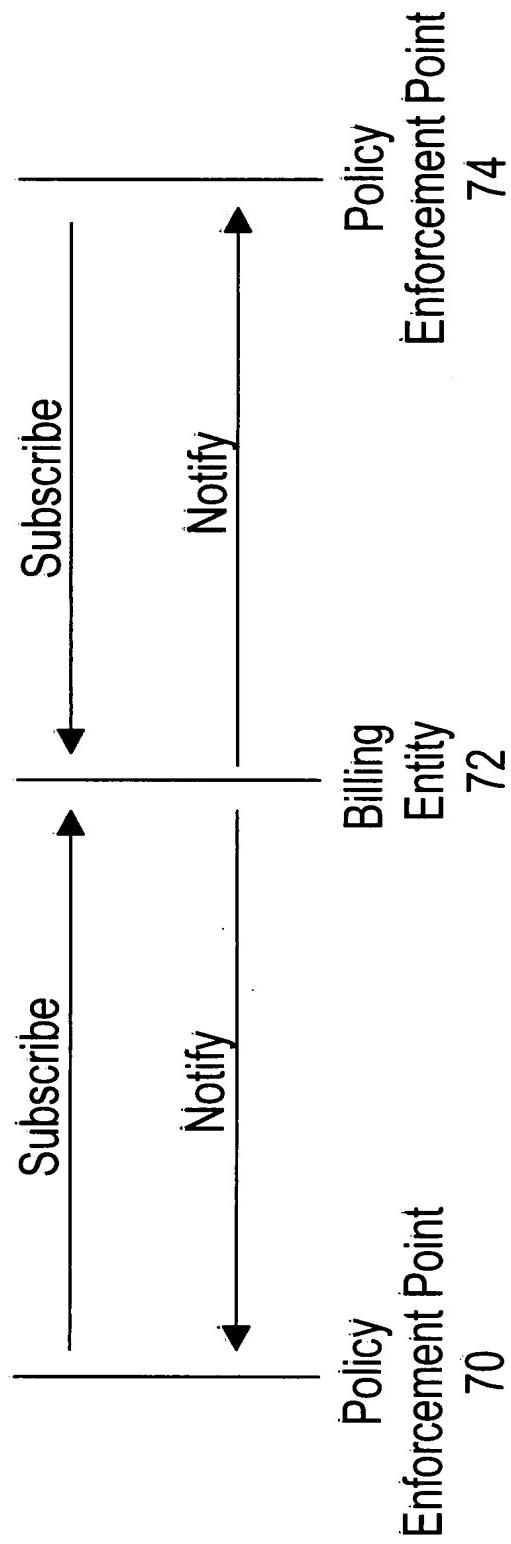
Respectfully submitted,



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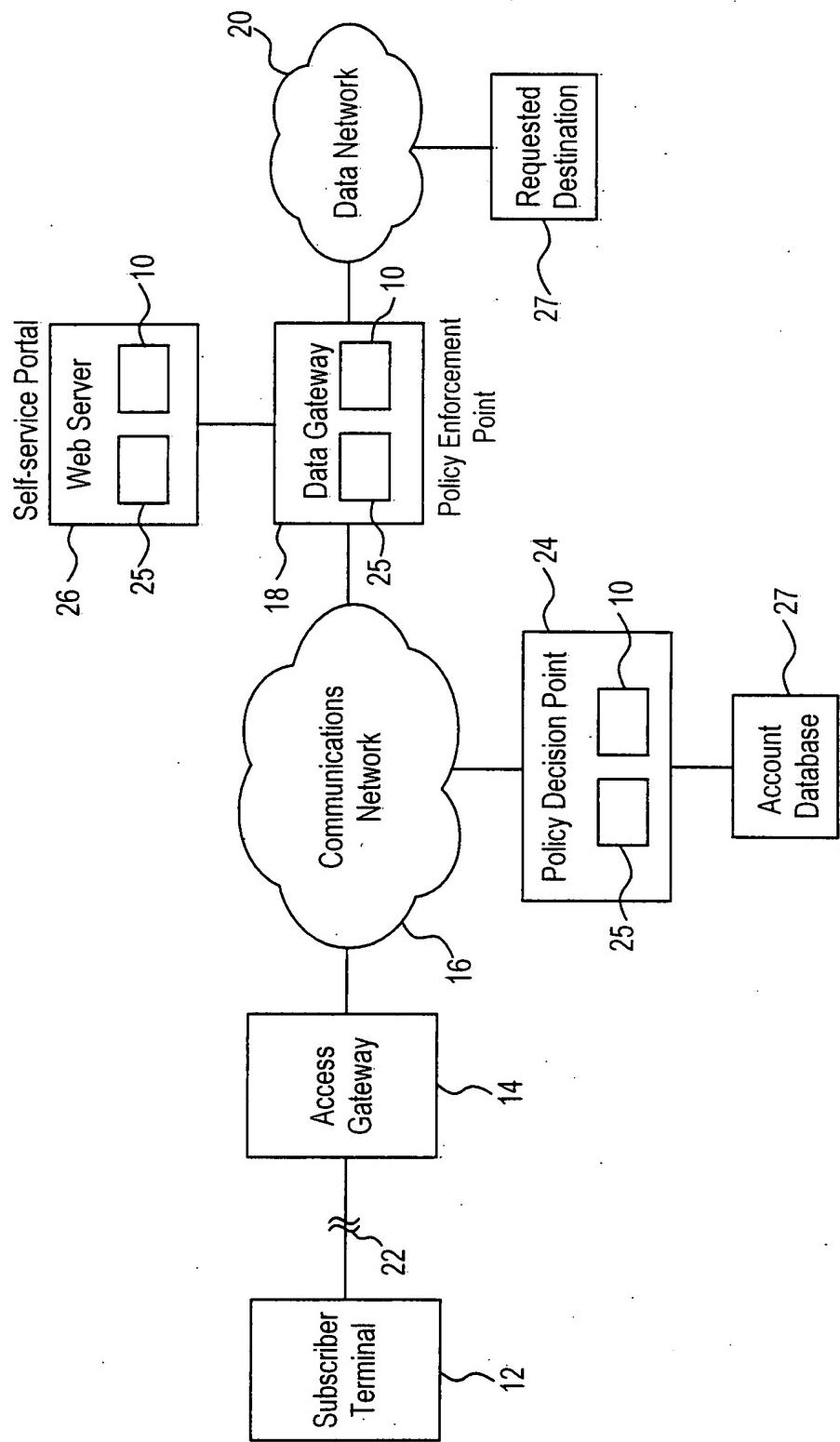
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**REPLACEMENT SHEET**  
Serial No. 09/997,946



**FIG. 7**

**ANNOTATED SHEET**  
Serial No. 09/997,946



**FIG. 1**